

# EQUAL EMPLOYMENT OPPORTUNITY

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## POLICY STATEMENT

### 1. SCOPE

This policy applies to all persons, paid or voluntary, who attend the service. All persons, paid and voluntary, are to act in accordance with the principles set down in this policy. The employer can be held responsible for the behaviour of all employees.

### 2. BACKGROUND AND LEGISLATION

#### Legislation and standards

Relevant legislation and standards include but are not limited to:

- *Equal Opportunity Act 2010* (Vic)
- *Racial and Religious Tolerance Act 2001* (Vic)
- *Sex Discrimination Act 1984* (Cwlth)
- *Racial Discrimination Act 1975* (Cwlth)
- *Disability Discrimination Act 1992* (Cwlth)
- *Human Rights and Equal Opportunity Commission Act 1986* (Cwlth)
- *Fair Work Act 2009* (Cwlth)

### 3. DEFINITIONS

The terms defined in this section relate specifically to this policy. For commonly used terms e.g. Approved Provider, Nominated Supervisor, Regulatory Authority etc. refer to the *General Definitions* section of this manual.

**Equal Employment Opportunity (EEO):** requires that all employees and volunteers are treated fairly and on merit without regard to criteria unrelated to performance, such as race, sex, age, marital status or other attributes covered by the *Equal Opportunity Act 2010* (Vic). A discrimination free workplace allows for diversity in the workforce, ensures fair treatment of individuals and eliminates direct, indirect or systematic discrimination.

### 4. SOURCES AND RELATED POLICIES

#### Sources

- The Department of Justice Victoria, Dispute Settlement Service of Victoria: (03) 9603 8370 or 1800 658 528
- Equal Opportunity Commission of Victoria: (03) 9281 7111 or 1800 134 142
- Human Rights and Equal Opportunity Commission: (02) 9284 9600 or 1300 656 419

#### Service policies

- *Inclusion and Equity Policy*
- *Privacy and Confidentiality Policy*
- *Staffing Policy*

## **PROCEDURES**

The service encourages applications from Aboriginal peoples, people from culturally and/or linguistically diverse backgrounds and people with a disability.

The service is committed to ensuring that all aspects of the workplace are free from unlawful discrimination and that:

- The selection and appointment of employees and volunteers for employment, promotion or advancement, training and development will be merit based.
- Review of employment will be considered without unlawful discrimination and in accordance with requirements set out in relevant legislation, industrial awards or agreements.
- No employee will be subjected to any form of detriment on the basis of a personal attribute.

Discrimination is unlawful and is not acceptable in any form by the employer. This policy will be readily available in the workplace, form part of information given to all employees (including students on placement) and committee members and made available to all parents of kindergarten students attending the service on the website.

To avoid any perceived conflict of interest, if the president, vice-president or other committee members are personally involved in issues as a complainant, or in allegations of discrimination, they will stand aside from participation in subcommittees or procedures related to the investigation or management of complaints.

## **EMPLOYMENT OF EMPLOYEES**

- The service is committed to and will apply the principles of equal employment opportunity in the selection of all employees, promotion or advancement, training and development opportunities.
- The committee will ensure that the selection criteria do not exclude disadvantaged groups from equitable consideration for positions.
- Selection panels will be sensitive to the needs of applicants from disadvantaged groups, particularly language difficulties and cultural differences.
- Applicants who have a disability will be assessed against the selection criteria. The panel will apply the principle of reasonable adjustment to any impact the applicant's disability may have on the operations of the service.

## **ACCESS TO TRAINING AND DEVELOPMENT**

The committee will provide equitable access to training and development opportunities for all employees.

## **EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS PROCEDURE**

The service will ensure that all complaints/grievances in relation to discrimination, regardless of whether they are of a major or minor nature, will be treated seriously and an investigation carried out fairly, efficiently and expeditiously.

All parties to a grievance have the right to:

- have grievances conducted in a fair, objective and unbiased manner
- be treated with respect
- be kept informed about the progress of the grievance
- only have relevant factors taken into account in addressing the matter
- not be subjected to any form of retribution, either stated or implied

- have a support person present at all stages of the process, but not a legal representative. A support person may be a work colleague or union representative who may offer support but not act as an advocate
- be informed, orally and in writing, of the outcome of the grievance including reasons
- confidentiality.

All parties to the grievance are expected to:

- respect and consider alternative opinions
- fully participate in the grievance process
- not personalise issues.

### **Step 1: Opportunity for resolution (informal process)**

Any employee, volunteer or student on placement who considers they have been discriminated against should raise their concern/s directly with the party or parties involved to resolve their concerns without recourse to the formal complaints procedure. The employee may approach the president or, in his/her absence, the vice-president to notify the committee of their concern and to clarify possible strategies for resolving their concerns without recourse to the formal complaints procedure.

### **Step 2: Lodgement of a complaint (formal process)**

If the problem is not, or cannot, be resolved to the satisfaction of the aggrieved person through informal means, the following should be implemented:

- The aggrieved person should place their complaint in writing with the employer, marked for the attention of the president or, in his/her absence, the vice-president. The complaint should set out the nature and details of the matter, as well as any suggestions they may have to resolve the complaint.
- Once the complaint has been lodged, care will be taken not to discriminate against or victimise the complainant or any other party.
- In order to expedite the complaint process the president/vice-president will advise committee members of the receipt of the complaint at the earliest opportunity but not exceeding the next scheduled committee meeting.

### **Step 3: Consultation about a complaint (consultation phase)**

Ideally, the staffing subcommittee, if one exists in the service, will be nominated to deal with the complaint. If no such subcommittee exists, the committee should establish a panel comprising at least three people, one of whom should be an executive member of the committee, to deal with the complaint.

This subcommittee/panel should be given the authority to deal with the formal complaint lodged and to consult with the complainant and respondent, investigate and resolve the complaint as appropriate. It may be necessary to make a recommendation to the committee in order to resolve the matter. Attempts will be made in all cases to resolve the complaint to the mutual satisfaction of those involved. This should occur as soon as is reasonably practicable.

If the complaint is resolved as a result of formal consultation, the subcommittee/panel (to the extent confidentiality allows) will report to the committee on the outcome of the process.

### **Step 4: Complaint investigation phase**

If it is not possible to resolve the complaint through discussions with relevant parties expeditiously, the subcommittee/panel will conduct a formal investigation into the complaint. This investigation should be completed within 10 working days of the conclusion of the consultation phase.

All documents related to the complaint will be kept confidential and shall not be produced or made available for inspection, except on instruction from a relevant authority consistent with the service's privacy policy. The subcommittee will report (within the confidential terms of the investigation) back to the committee on completing the investigation.

**Step 5: Resolution of complaint following investigation**

If, following investigation, a complaint is found to have substance, the committee (or the parties to the formal investigation) will determine an appropriate plan of action to resolve or further advance resolution of the grievance. This may include the use of an external mediator – for example, from the Department of Justice Victoria, Dispute Settlement Service of Victoria – to mediate on the grievance between the parties, but only if both parties agree to participate in the mediation.

If, following investigation, the complaint has not been substantiated, the complainant may be offered counselling.

**APPLICATION TO AN EXTERNAL ORGANISATION**

Where resolution is not achieved through the service's internal procedures (or at any stage during the process), the complainant may lodge a complaint with an appropriate court of competent jurisdiction (for example the Equal Opportunity Commission).

Note: The committee is responsible for:

- implementing this policy
- ensuring confidentiality is maintained
- authorising changes to this policy.

The staffing subcommittee/panel is responsible (among other things) for:

- responding to any complaints to the service that are covered by this policy, in accordance with this policy
- seeking assistance and advice from relevant organisations or persons in dealing with the complaint.

The employees are responsible for complying with this policy.

**EVALUATION**

In order to assess whether the values and purposes of the policy have been achieved, the Approved Provider will:

- regularly seek feedback from everyone affected by the policy regarding its effectiveness
- monitor the implementation, compliance, complaints and incidents in relation to this policy
- keep the policy up to date with current legislation, research, policy and best practice
- revise the policy and procedures as part of the service's policy review cycle, or as required
- notify staff at least 14 days before making any changes to this policy or its procedures.

**ATTACHMENTS**

Nil

**AUTHORISATION**

This policy was adopted by the Approved Provider of Home Road Kindergarten on 9 September 2020.

**REVIEW DATE:** FEBRUARY 2023